



Local Government Commission

Mana Kāwanatanga ā Rohe

**Decisions of the Commission under clauses 6 and 8 of Schedule 3  
of the Local Government Act 2002 on an application by  
Tokopiki Boundary Change Group for a change to the boundary between Horowhenua  
District and Palmerston North City**

### Introduction

1. On 4 October 2018 the Local Government Commission received an application from the “Tokopiki Boundary Change Group” under clause 3 of Schedule 3 of the Local Government Act 2002 (the Act), for a change in the boundary between Horowhenua District and Palmerston North City.
2. Specifically the application is for the boundary of Palmerston North City to be moved south to include the township of Tokomaru, the rural locality of Opiki and the surrounding areas<sup>1</sup>. An amended version of the application documentation was received on 5 November. The changes made did not affect the substance of the application, as they relate to the relevant statutory requirements.
3. At a meeting on 29 November 2018, the Commission considered this application and made a number of decisions pursuant to Schedule 3 of the Act. This document sets out those decisions and the reasons for them, and identifies the next steps which the Commission must take.

### Decisions

4. At its meeting on 29 November 2018, the Commission:
  - (a) **agreed** that the “affected area” in respect of the reorganisation application is the area bounded by the Manawatu River, Okuku Road, Kingston Road and the Tararua ranges which forms part of the Miranui ward of Horowhenua District<sup>2</sup>.
  - (b) **agreed** that the affected local authorities are Horowhenua District and Horizons Regional Council;
  - (c) **agreed** that there are no grounds to decline the application under clause 7, and that it contains the necessary information specified in clause 5;

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<sup>1</sup> Officers of the Commission have liaised with the applicants representative and agreed that the area referred to comprises: The Opiki Census Area Unit (563802) comprising meshblocks 1852000, 1852100, 1852200, 1852300, 1852500, 1852600, 1852700, 1852800, 1853400, 1853501, 1853501; The Tokomaru Census Area Unit (563801) comprising meshblocks 1852400, 1853201, 1853203, 1853300; and meshblocks 1853600, 1853700, 1853800, 1853900, and 1853000;

- (d) **agreed** to assess the application and to notify the applicant, the affected local authorities, and Palmerston North City Council of the decision under clause 6;
- (e) **agreed** under clause 8(1) that it has sufficient information to be satisfied there is demonstrable community support in the district of each affected territorial authority for local government reorganisation in the affected area;
- (f) **agreed** to meetings with the applicants, affected local authorities, and Palmerston North City Council before deciding to publicly notify the application and call for alternative applications under clause 9.

### **Reasons for the decision**

5. The Commission was required under clause 6 of Schedule 3 to consider the application as soon as practicable after receiving it, which was on 4 October 2018, and to decide whether or not to assess the application.
6. Clause 7 sets out the grounds on which the Commission may decline to assess an application. The Commission found that none of these grounds applied in respect of the “Tokopiki Boundary Change Group” application.
7. Among other things, the Commission was required to consider information provided demonstrating community support in the district of each affected territorial authority for the application. In order to satisfy itself on this requirement, the Commission needed to determine which are the affected territorial authorities.
8. An affected territorial authority under the Act is a territorial authority that contains an affected area. An affected area is defined under clause 2 of Schedule 3 and includes an area that would be included in a new or different local authority if the reorganisation were to proceed. The Commission may, under specified circumstance, declare that the whole of the district containing such an area is affected area. The Commission did not consider there were grounds to do so.
9. Accordingly the affected local authorities are Horowhenua District Council (the “affected territorial authority”) and Horizons Regional Council. While Palmerston North City Council is not an affected local authority in terms of the statutory definition, the Commission intends to ensure that it is appropriately included in the process.
10. The Commission was then in a position to assess whether there was the required information demonstrating community support in the district of the affected territorial authority (Horowhenua District) for the application. For this purpose it considered the following information it had received:
  - a collection of 307 signatures supporting the application mainly from residents of the affect area;
  - accounts of attendance, and views expressed, at public meetings called to discuss a proposed boundary change in Tokomaru and Opiki.

On the basis of the above information, the Commission came to the conclusion that there was sufficient information demonstrating community support for the application in the district of the affected territorial authority.

11. As there were no further grounds to decline to assess the application, the Commission agreed it would assess the application.
12. Prior to proceeding to assess the application, however, the Commission must first be satisfied, under clause 8(1) of Schedule 3, that there is demonstrable community support in the district of each affected territorial authority for local government reorganisation in the affected area. The Commission considered that it did have sufficient information to satisfy itself of this.
13. The basis for this decision was the information referred to in paragraph 10. The Commission was conscious that the evidence demonstrating community support does not need to indicate a particular level or type of support, such as whether there was majority support, as this is not a requirement in the Act.
14. As part of its future consideration of whether to proceed to issue a draft reorganisation proposal and then a final proposal, the Commission will need to continue to assess levels of community support for local government reorganisation in the affected area, and for particular options that may be identified during the process. At each step in this process the Commission will need to continue to satisfy itself on the existence of demonstrable community support.

#### **Next steps**

15. The next formal steps in the process are set out in clause 9 of Schedule 3. These are for the Commission:
  - to advise each local authority that adjoins an affected local authority and any other person, body or group the Commission considers should be notified, of the Commission's decisions; and
  - give public notice of:
    - the receipt of the reorganisation application including the type of reorganisation proposed, the local authorities affected and the extent of the affected area
    - where further information about the application can be obtained
    - an invitation for persons, bodies and groups to submit alternative applications in relation to the affected area
    - when alternative applications must be received by and that applications received after this date may be declined.
20. The Commission will consider the timing of these further steps in the New Year. This is because the Commission did not consider that commencing the next steps in the process immediately before the summer break would be conducive to effective community engagement. It also wishes to take the opportunity to meet with the applicants and interested local authorities to ensure they are well informed about the process set out in Schedule 3 before taking the next formal step.